

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NORTH ATLANTIC OPERATING
COMPANY, INC., and NATIONAL
TOBACCO COMPANY, L.P.,

Plaintiffs,

v.

WALTER C. SCOTT, et al.,

Case No. 16-12076
HON. TERRENCE G. BERG
HON. DAVID R. GRAND

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION
TO EXTEND THE TEMPORARY RESTRAINING ORDER DATES
AND SHOW CAUSE HEARING (DKT. 30)**

On July 1, 2016, Plaintiffs North Atlantic Operating Company, Inc., and National Tobacco Company, L.P., the exclusive manufacturers, distributors, and licensees of ZIG-ZAG® cigarette paper products in the United States, were granted a temporary restraining order ("TRO") against Defendants, whom they allege are engaged in manufacturing, distributing, or selling counterfeit ZIG-ZAG® cigarette paper products. (See dkt. 1, ¶¶ 1-4; dkt. 23.)

Before the Court is Plaintiffs' motion to extend the TRO and related dates by 14 days. (See dkt. 30.) The TRO as initially entered will expire on July 15, 2016. See Fed. R. Civ. P. 65(b)(2) ("[t]he order expires at the time after entry—not to exceed 14 days—that the court sets"). Pursuant to Federal Rule of Civil Procedure 65(b)(2), the Court, for good cause shown, may extend a TRO "for a like period" but "[t]he reasons for an extension must be entered in the record." See *id.*

In their motion, Plaintiffs document that many Defendants have contacted Plaintiffs' counsel to request additional time for various reasons including: (1) retaining legal counsel; (2) compiling the information necessary to draft opposition papers or the written report described on page 20 of the TRO; (3) determining whether a stipulated order is proper; and (4) making travel arrangements to appear in Detroit, Michigan at the show cause hearing. (*Id.* at ¶¶ 6-7.) Plaintiffs argue that a short extension of time is therefore necessary "to continue to discuss resolution of the issues presented" in the TRO and "to allow Defendants time to prepare for the Show Cause hearing." (*Id.* at ¶ 8.) Plaintiffs have consulted with almost all of those Defendants that responded to the TRO or their counsel and none oppose Plaintiffs' request. (*Id.* at ¶ 11.)

The Court agrees that a short extension of the TRO and related dates is warranted and **GRANTS** Plaintiffs' motion (Dkt. 30). For good cause shown, **IT IS HEREBY ORDERED** that:

- a) Opposition papers, if any, are to be filed by Defendants with the Court and served by personal service, notice of electronic filing, facsimile, or email upon Plaintiffs' counsel in accordance with page 25 of the TRO on **July 25, 2016**.
- b) Plaintiffs' reply papers are due on **July 28, 2016**; and,
- c) Defendants' Written Report under oath, as described on page 20 of the TRO, is due to Plaintiffs on **August 4, 2016**.

IT IS FURTHER ORDERED that the Show Cause Hearing originally scheduled for July 15, 2016 at 1:00 p.m. is adjourned to **Friday, July 29, 2016 at 10:00 a.m. in Detroit, Michigan.**

IT IS FURTHER ORDERED that this Court's July 1, 2016 Order granting Plaintiffs a temporary restraining order and other injunctive relief (Dkt. 23) remains in full force and effect until **July 29, 2016** or further Order of this Court.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: July 12, 2016

Certificate of Service

I hereby certify that this Order was electronically submitted on July 12, 2016, using the CM/ECF system, which will send notification to each party.

By: s/A. Chubb
Case Manager